

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KEVIN L. BURROWS,	)	
	)	
v.                      Plaintiff,	)	Civil Action No. 09-314 Erie
	)	
JEFFREY BEARD, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

\_\_\_\_\_ Plaintiff's civil rights complaint was received by the Clerk of Court on December 16, 2009 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [10], filed on January 22, 2010, recommends that the within action be dismissed as legally frivolous in accordance with 28 U.S.C. § 1915(e). The parties were allowed ten (10) days from the date of service in which to file objections. Service was made on Plaintiff by certified mail at SCI Rockview, where he is incarcerated. No objections were filed. After de novo review of the complaint and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 17<sup>th</sup> day of February, 2010;

IT IS HEREBY ORDERED that the within action be, and hereby is,  
DISMISSED as legally frivolous in accordance with 28 U.S.C. § 1915(e).

The Report and Recommendation of Magistrate Judge Baxter [10], dated January 22, 2010, is adopted as the opinion of this Court.

s/ SEAN J. McLAUGHLIN  
Sean J. McLaughlin  
United States District Judge

cc:    all parties of record  
       United States Magistrate Judge Baxter